

OCSPP Communications Plan
Publication of Final Rule – Asbestos; Significant New Use Rule
 INTERNAL DELIBERATIVE DRAFT

Summary (Includes background and topline messages)

- EPA is finalizing a significant new use rule (SNUR) for asbestos. This action will prevent discontinued uses of asbestos (that are not already prohibited under the partial 1989 Toxic Substances Control Act (TSCA) ban) from restarting without EPA evaluating those uses for safety and taking any necessary regulatory action.
- This final SNUR does not provide any means by which prohibited uses under the partial 1989 TSCA ban can return to the marketplace. On the contrary, the action ensures that otherwise unregulated uses of asbestos undergo EPA evaluation.
- Persons subject to the SNUR are required to notify EPA at least 90 days before commencing any manufacturing (including importing) or processing of asbestos (including as part of an article) for a significant new use.
- Manufacturing (including importing) and processing (including as part of an article) for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.
- This SNUR compliments the TSCA section 6 risk evaluation for asbestos by ensuring that any discontinued use of asbestos not already prohibited (and that can otherwise absent the SNUR resume at any time) be reviewed by EPA for safety and any necessary regulatory action taken.

Background:

EPA is finalizing a significant new use rule for asbestos as defined under the Asbestos Hazard Emergency Response Act (TSCA Title II, Section 202); the “asbestiform varieties of six fiber types – chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite.” The significant new use of asbestos (including as part of an article) is manufacturing (including importing) or processing for uses that are neither ongoing nor already prohibited under TSCA. The Agency found no information indicating that the following uses are ongoing, and therefore, the following uses are subject to the SNUR: adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; cement products; extruded sealant tape and other tape; filler for acetylene cylinders; friction materials (with certain exceptions); high-grade electrical paper; millboard; missile liner; packings; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; woven products (other than brake blocks used in oilfield drawworks); any other building material; and any other use of asbestos that is neither ongoing nor already prohibited under TSCA.

In 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114-182, 130 Stat. 448) amended TSCA and included statutory requirements related to the risk evaluations of conditions of use for existing chemicals. In December of 2016, EPA designated asbestos as one of the first 10 chemical substances subject to the Agency’s initial chemical risk evaluations (81 FR 91927), pursuant to TSCA section 6(b)(2)(A) (15 U.S.C. 2605(b)(2)(A)). The risk evaluation focuses on the conditions of use of asbestos: the circumstances under which asbestos is intended, known, or reasonably foreseen to be manufactured (including imported), processed, distributed in commerce, used, or disposed of in the United States. The significant new use rule for asbestos serves to compliment the risk evaluation by ensuring that any discontinued use of asbestos not otherwise already prohibited (that can resume at any time) must be reviewed and approved by EPA prior to commencing.

In order to identify ongoing uses of asbestos in the United States to define the scope of the risk evaluation, EPA conducted extensive research, convened stakeholder meetings, and requested and considered public comment. EPA will conduct the risk evaluation for asbestos based on the conditions of use, which have been identified through scoping and refined during problem formulation as the following: imported raw bulk chrysotile asbestos for the fabrication of diaphragms for use in chlorine and sodium hydroxide production, sheet gaskets for use in titanium dioxide chemical production, brake blocks for use in oil drilling, aftermarket automotive brakes/linings and other vehicle friction products, and other gaskets. These ongoing uses are not considered significant new uses and would not require a significant new use notification submission to the Agency.

Regardless of the outcome of the risk evaluation pursuant to TSCA section 6(b)(4)(A), EPA is concerned about the potential for adverse health effects of asbestos based on established sound scientific data indicating that asbestos is a known carcinogen. Since its peak usage, the national consumption of asbestos has declined approximately 99 percent, and asbestos has not been mined or otherwise produced in the United States since 2002. EPA believes any significant new use of asbestos (including as part of an article) could increase the duration and magnitude of human and environmental exposure to the substance, reverse the declining trend of national import volumes of the substance, and reintroduce exposure scenarios that have become obsolete over the past several decades. It is imperative that EPA be notified of any intended significant new use of asbestos (including as part of an article) and be provided the opportunity to evaluate such intended new use.

Spokespeople

- OCSPP – notify interested parties, update website

Contents

- Communications rollout plan
- Communications resources
- Communications and management contacts

Attachments

- **Web content on:**
 - Asbestos [[HYPERLINK "https://www.epa.gov/asbestos"](https://www.epa.gov/asbestos)]
 - Risk Evaluation for Asbestos [[HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-asbestos-0"](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-asbestos-0)]

Communications Rollout Plan

DATE	TASK	WHO	DONE
PRE-RELEASE			
Week before FRN publication	Draft communications plan, list serve + web materials to OPPT/OCSPP	Alison Pierce/ Julia Ortiz , OPPT IO	
	Draft communications plan + web materials to OPA	Linda Strauss, OCSPP IO	
	Final HQ approved comms plan, list serve + web materials	OPA	

Communications Resources

- **Desk Statement**
- **OPPT Listserv**
- **Asbestos website** - [[HYPERLINK "https://www.epa.gov/asbestos"](https://www.epa.gov/asbestos)]

Communications and Management Contacts

Communications Contacts	
OCSPP	HQ
Linda Strauss, OCSPP IO 202-564-0797, [HYPERLINK "mailto:strauss.linda@epa.gov"]	Nancy Grantham, Office of Public Affairs 202-564-6879, [HYPERLINK "mailto:grantham.nancy@epa.gov"]
Alison Pierce, OPPT IO 202-564-2437, [HYPERLINK "mailto:pierce.alison@epa.gov"]	Cathy Milbourn, Office of Public Affairs 202-564-7849, [HYPERLINK "mailto:Milbourn.cathy@epa.gov"]
Cheryl Dunton, OCSPP IO – web 202-564-4893, [HYPERLINK "mailto:Dunton.cheryl@epa.gov"]	Sven-Erik Kaiser, Office of Congressional Rel. 202-566-2753, [HYPERLINK "mailto:Kaiser.sven-erik@epa.gov"]
Management Contacts	
OCSPP	
Nancy Beck, Principal Deputy Assistant Administrator, OCSPP 202-564-2910, [HYPERLINK "mailto:beck.nancy@epa.gov"]	Tanya Mottley, Director, National Program Chemicals Division/OPPT 202-564-3152, [HYPERLINK "mailto:mottley.tanya@epa.gov"]
Jeffery T. Morris, Director, OPPT 202-564-6756, [HYPERLINK "mailto:morris.jeff@epa.gov"]	Brian Symmes, Deputy Director, National Program Chemicals Division/OPPT 202-566-1983, [HYPERLINK "mailto:Symmes.Brian@epa.gov"]
Tala Henry, Acting Deputy Director Mark A. Hartman, Deputy Director for Management, OPPT 202-564-2959, [HYPERLINK "mailto:mottley.tanya@epa.gov"]	Erik Winchester, Chief, Fibers and Organics Branch/NPCD 202- 564-6450, [HYPERLINK "mailto:Winchester.Erik@epa.gov"]

Key Audiences & Stakeholders

- Industry
- Government Agencies
- Environmental Groups
- Non-Governmental Organizations

The final rule will be of interest to multiple stakeholders including industry, government agencies, non-governmental organizations, academia, public health organizations, environmental groups, and the

general public who are interested in asbestos regulations and/or are concerned about human and environmental exposures to asbestos.

EPA expects industry groups to be supportive of the regulation and does not anticipate adverse reaction. National trends have shown a consistent and large decline in the use of asbestos in commerce. Based on extensive Agency research of ongoing uses of asbestos and considering the availability of safer and affordable alternatives, EPA believes industry is continuing to voluntarily phase out the manufacturing (including importing) and processing of asbestos (including as part of an article).

The tribal, state, and local government reactions are expected to be generally positive to neutral as is the reaction of non-governmental, environmental, academic, and public health organizations. The general public will also likely be supportive or indifferent to the final rule if the purpose and impact of the rule is clearly communicated and understood. If the rule is misunderstood to be allowing for otherwise banned uses of asbestos the reaction will be negative. of the final rule. Based on public comments received over the past year regarding the uses of asbestos and the scope of the risk evaluation, EPA expects interest in Agency actions related to asbestos to continue.

Desk statement

Under the Toxic Substances Control Act (TSCA), EPA is finalizing a significant new use rule (SNUR) for asbestos. This action prevents any discontinued use of asbestos that is not already prohibited under the partial 1989 TSCA ban from restarting without EPA evaluating that use for safety and taking any necessary regulatory action. This final SNUR does not allow prohibited uses under the partial 1989 TSCA ban to return to the marketplace. On the contrary, the action ensures that the otherwise unregulated discontinued uses that are not covered by the partial 1989 asbestos ban undergo EPA evaluation for risk before any use can re-commence.

The following uses are subject to the SNUR: adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; cement products; extruded sealant tape and other tape; filler for acetylene cylinders; friction materials (with certain exceptions); high-grade electrical paper; millboard; missile liner; packings; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; woven products (other than brake blocks used in oilfield drawworks); any other building material; and any other use of asbestos that is neither ongoing nor already prohibited under TSCA.

Persons subject to the SNUR are required to notify EPA at least 90 days before commencing any manufacturing (including importing) or processing of asbestos (including as part of an article) for a significant new use. That notification would then trigger an EPA evaluation of that use for safety and any necessary regulatory action.

Listserv

Title: EPA Issues Final Rule to Require Review of Unregulated Asbestos Uses

EPA today issued a final significant new use rule (SNUR) in the Federal Register that requires any person who intends to manufacture (including import) or process discontinued (but not already banned) uses of asbestos (including as part of an article) to notify EPA at least 90 days before commencing that action. In accordance with the final SNUR, manufacturing (including importing) or processing for the intended significant new use would be prohibited until EPA conducts a review of the

notice, makes an appropriate determination on the notice, and takes such actions as are required in association with that determination.

The significant new use of asbestos (including as part of an article) is manufacturing (including importing) or processing for asbestos uses that are neither ongoing nor already prohibited under TSCA. The following uses are subject to the SNUR: adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; cement products; extruded sealant tape and other tape; filler for acetylene cylinders; friction materials (with certain exceptions); high-grade electrical paper; millboard; missile liner; packings; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; woven products (other than brake blocks used in oilfield drawworks); any other building material; and any other use of asbestos that is neither ongoing nor already prohibited under TSCA.

To view the final rule, or for additional information, please visit: [URL]